

PROB 12A
(12/98)

United States District Court
for
Southern District of Ohio
Report on Offender Under Supervision

Name of Offender: **Melissa Omalley Gaskins** Case Number: **1:00CR00041-03**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott**
United States District Judge

Date of Original Sentence: **December 4, 2000**

Original Offense: **Receipt of Stolen Firearms, a violation of 18 U.S.C. §§ 922(j), 924(a)(2)**

Original Sentence: **60 month(s) probation. No new federal, state, or local crimes. No illegal possession of controlled substances. One drug test within 15 days of placement on probation and at least two periodic drug tests thereafter.**

Special Conditions: **1) 12 months electronic monitoring**
2) Pay \$100 special assessment
3) Pay restitution in the amount of \$35,950.01
4) Participate in mental health treatment at direction of USPO
5) Complete appropriate program at Center for Employment Training

Amended 3-17-04: Serve 180 days of electronic monitoring with monitoring fees waived due to the probationer's financial situation.

04-01: Court advised of offender's participation in the Ohio Department of Human Resources Job Search Program due to her permanent residence in Cincinnati, Ohio.

Type of Supervision: **Probation**Date Supervision Commenced: **December 4, 2000**

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
The probationer shall pay restitution in the amount of \$35,952.01	At sentencing, the Court ordered the offender to pay restitution in the amount of \$35,952.01 to the victims listed in the Judgement and Commitment Order in this case. Mrs. O'Malley Gaskins has a current outstanding restitution balance of \$35,917.01 as of the date of this report, and will not be able to pay in full during the term of probation.

Complete appropriate program at Center for Employment Training	At sentencing, the Court ordered the offender to complete an appropriate program at the Center for Employment Training in Northern Kentucky. In April 2001, the Court was advised of the offender's participation in the Ohio Department of Human Resources Job Search Program due to her permanent residence in Cincinnati, Ohio. However, as of the date of this report, Mrs. O'Malley Gaskins will not be able to complete such a program during the term of probation.
--	--

U.S. Probation Officer Action:

On December 4, 2000, the offender was placed on probation for a period of five years. Upon her placement on probation, this officer met with the offender and went over the conditions of supervision in detail. The offender indicated she understood the conditions, including the restitution order, and signed the conditions. This officer set up a pay agreement with the offender for her to pay \$5 a month, which represented her best possible effort, based on her financial information.

During the term of supervision, the offender struggled to be cooperative and compliant. She paid her \$100 special assessment in full as of February 4, 2003, and \$35 towards her restitution balance between October 2003 and February 2005. She has experienced a great deal of family turmoil and financial hardship and residential instability during the course of probation. Two additional children were born to the offender and her husband and co-defendant, Shane Gaskins, within the last several years. There have been numerous medical problems with the children and one of the children, who is now in kindergarten, requires the offender to go to school every day at about 10:45 a.m. to administer shots to her in the presence of the registered nurse and/or office worker. Additionally, the offender has relocated with her children to at least six different residences during the last five years. Mr. Gaskins also paid money towards restitution. However, as he incurred two new arrests in Hamilton County and reverted to illicit drug use over the last year, his federal supervised release was revoked in July 2005.

Due to the above family turmoil, residential instability, and financial hardship, the offender and her five children have struggled due to her husband's re-incarceration and her inability to obtain a job or job training due to the children's illnesses. She has no assets and has no extra cash available to pay the restitution. It is true that the offender did obtain a state conviction for Theft: Welfare in Hamilton County Court of Common Pleas on February 5, 2004. However, she did successfully complete her 180 day term of electronic monitoring which was added as a special condition to her probation pursuant to a modification by the Court on March 17, 2004. It is this officer's opinion that the offender has made her best, good faith effort to satisfy the Court's order of restitution and participation in a job search program. This officer has notified the Financial Litigation Unit of the U.S. Attorney's Office of this situation. It should be noted, that as the offender was sentenced after April 24, 1996, the victims in this case will be able to collect restitution up to 20 years after the offender's sentencing on December 4, 2000, according to 18 U.S.C. § 3663. Therefore, the victims in this case have a remedy to obtain the balance of restitution after the offender's completion of supervision.

Therefore, based on the offender's best, good faith efforts to comply with the conditions of supervision, this officer is respectfully recommending that no action be taken against her for failure to pay restitution, and complete a job training/job search program and thus allow her to discharge as scheduled on December 3, 2005.

PROB 12A
(12/98)

3

The Court is reminded to mark the box reflecting the Court's decision in this matter, and to sign the appropriate location.

Respectfully submitted,
by David J. Backman
David J. Backman
U. S. Probation Officer
Date: **November 1, 2005**

Approved,
by John C. Cole
John C. Cole, Supervising
U. S. Probation Officer
Date: **Nov-2, 2005**

- ☒ I concur with the recommendation of the Probation Officer
☐ Submit a Request for Modifying the Condition or Term of Supervision
☐ Submit a Request for Warrant or Summons

[Signature]
Signature of Judicial Officer

Nov 3, 05
Date